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FOREST SUPERVISOR'S OFFICE  
and PRICE RANGER DISTRICT  
599 WEST PRICE RIVER DRIVE  
PRICE UT 84501

PHONE: (435) 637-2817  
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TO: MARYANN Wright FAX # (801)-359-3940  
FROM: Sherrice Patterson  
SUBJECT: Decision Memo

TOTAL PAGES INCLUDING COVER PAGE: \_\_\_\_\_

COMMENTS

RECEIVED

DIVISION OF  
OIL, GAS AND MINING



United States  
Department of  
Agriculture

Forest  
Service

Manti-La Sal  
National Forest

Supervisor's Office  
599 West Price River Drive  
Price, UT 84501  
Phone # (435) 637-2817  
Fax# (435) 637-4940

File Code: 2820-4

Date: September 14, 2001

Ms. Mary Ann Wright  
State of Utah Department of Natural Resources  
Division of Oil, Gas and Mining  
1594 West North Temple, Suite 1210  
P.O. Box 145801  
Salt Lake City, UT 84114

Dear Ms. Wright:

We consent to approval of the an additional borehole in Mill Fork Canyon/Joes Valley truck mounted drill hole for the 2001 field season on State Lease ML48258 by the Division of Oil, Gas and Mining. A Forest Service special-use permit was issued to Energy West authorizing them surface occupancy to National Forest System lands earlier this year, this is modification to that special use permit. A copy of the Forest Service Decision Memo is enclosed for your information. Energy West must comply with all terms and conditions of the special-use permit regarding all surface operations. No additional bond is necessary since SITLA has retained adequate bond for both surface and down-hole reclamation for this year's helicopter coal exploration drilling project. Work on the project may begin upon receipt of this letter and approval of the proposal by the Division.

If you have any questions, contact Carter Reed, at the Forest Supervisor's Office in Price, Utah.

Sincerely,

ELAINE J. ZIEROTH  
Forest Supervisor



**DECISION MEMO****PacifiCorp-Energy West Mining Company  
Mill Fork Canyon/Joes Valley 2001  
Surface Drilling Modification**

USDA Forest Service, Intermountain Region  
Manti-La Sal National Forest  
Ferron-Price Ranger District  
Emery County, Utah

**I. INTRODUCTION**

The Forest Service has evaluated the modification for surface drilling proposal submitted by Energy West Mining Company, a subsidiary of PacifiCorp. The modification is for an additional drill hole for coal exploration on National Forest System Lands in State Coal Lease ML-48258.

Energy West proposes to conduct in "Mill Fork Canyon/Joes Valley" a truck mounted drill hole during the 2001 field season. The project will consist of a redrilling a single hole completed in September 1975 by the Utah Geological and Mineral Survey located in Section 22, Township 16 South, Range 6 East, Salt Lake Base and Meridian. This hole will allow the assessment of coal characteristics and seam thickness in the Mill Fork State Lease ML-48258.

The drilling of this proposed hole for the 2001 season will commence mid-September 2001, and is proposed to be a single-axel truck mounted rig with brattice (impermeable cloth) cloth covering the entire area to be disturbed, thus causing minimal surface impact. No road construction is proposed nor any earthwork or vegetation clearing is necessary to prepare the drill pad. All equipment needed for this project will be placed on the brattice cloth. Any inadvertent disturbance will be properly reclaimed and seeded.

**Legal Description:** Approximately ten miles northwest of the town of Huntington, T.16 S., R.6 E., Section 22, SLM, Utah (See attached map).

**DECISION TO BE MADE**

The Forest Service decision is whether or not to consent to the approval of the coal exploration plan by the Utah Division of Oil, Gas and Mining (UDOGM), and modify the current Special Use Permit to authorize surface occupancy for the additional drill hole.

**FOREST PLAN**

The Forest Plan identifies the area as being managed for range maintenance or enhancement (RNG), where mineral activities are permitted as long as appropriate mitigation measures are applied to assure continued livestock access and use. The Recreational Opportunity Spectrum is semi-primitive motorized to roaded natural appearing and the Visual Quality Opportunity is modification and partial retention. The project scope is within these parameters. No roads are to be constructed.

## II. DECISION

I have decided to consent to the approval of the coal exploration plan by UDOGM and to modify the current Special Use Permit to authorize surface occupancy of the National Forest System lands for drilling one additional borehole.

It is my determination that this decision may be categorically excluded from preparation of an Environment Assessment (EA) or Environmental Impact Statement (EIS) under Forest Service Handbook 1909.15, Chapter 30, Section 31.2(3) "Approval, modification, or continuation of minor special use of National Forest System lands that require less than five contiguous acres of land." This category was determined appropriate because the area affected by this decision is short term with little disturbance. No impacts to surface resources or hydrology are anticipated, and surface uses would remain essentially the same.

The proposal, as submitted, would provide adequate protection of Forest resources. The proposal is consistent with all Forest Plan requirements. The 47 standard Forest stipulations (Appendix A) for the original decision memo dated June 1, 2001 will be adhered to and followed for this borehole drilling project.

My decision will be implemented via transmittal of this Decisions Memo and by a consent letter to the UDOGM. The special use permit was issued on July 11, 2001 for Energy West's seven-hole helicopter drilling operation will be modified to authorize occupancy of the National Forest System lands for this additional borehole.

## III. DECISION RATIONALE

This decision was made after careful consideration of the proposal, public involvement, and the entirety of the supporting record. No one fact or single piece of information led to the decisions. Rather, a combination of factors contributed to it. The key considerations are discussed in the following sub-parts.

### Attainment of Agency Goals:

The general purpose and need for this project is to accomplish the following goal of the Forest Plan: "Provide appropriate opportunities for managing activities related to locating, leasing, development, and production of mineral and energy resources," (Forest Plan, p. III-4). Another related goal of the Forest Plan is to: "Manage geologic resources, common variety minerals, groundwater, and underground spaces (surficial deposits, bedrock, structure, and surficial processes) to meet resource needs to minimize adverse effects."

The project-specific purpose and need of the proposed action is to authorize occupancy and use by the lessee to exercise their right to explore their existing lease, by evaluating the stratigraphy, structure, and validating the geologic potential of the area. Since the Utah School and Institutional Trust Lands Administration own the coal estate, there is an outstanding right of access to the State Lease for coal operations by the lessee.

The decision wholly meets the project's purpose and need.

### Absence of Extraordinary Circumstances:

Existing resource conditions and potential extraordinary circumstances have been considered in making these decisions.

Steep slopes or highly erosive slopes. The proposed drilling area is located away from steep slopes and highly erosive slopes as much as possible.

Threatened and endangered species or their critical habitat. The original Biological Assessment and Biological Evaluation (BA/BE) was prepared and signed on June 25, 2001 and is in effect for this site also. It was determined that the project will have no effect on T&E wildlife species or habitat. The BE identifies (Sensitive Species) Spotted bats, Northern Goshawk, and Northern Three-toed Woodpeckers as "May impact individuals or habitat, but will not likely contribute to a trend towards federal listing or loss of viability to the population or species." There are no T&E plant species on the site. Due to the timing of the operations, there will be no effects.

Floodplains, wetlands, or municipal watersheds. Very little earth disturbance will occur for the drill site. There will be no effect on the floodplain or wetland.

Congressionally designated areas, such as wilderness, wilderness study areas, or National Recreation Areas. There are no wilderness, wilderness study, or National Recreation Areas in or around the project area. The nearest wilderness area is Nebo Wilderness located on the Uintah National Forest approximately 50 miles to the northwest.

Inventoried roadless area. The project is not within an inventoried roadless area or unroaded area of 1,000 contiguous acres adjacent to a roadless area. No road construction or road access is required thus project activities will have no effect in the area.

Research Natural Area. The project area is not located within any Research Natural Areas (RNAs). The nearest RNAs are Nelson Mountain, west of Ferron, Utah and Elk Knoll in Manti Canyon. The Mont Lewis Botanical Area is located approximately 18 miles west of the project area.

Native American religious or cultural sites, archeological sites, or historical properties or areas. Archeological consultation was conducted with the Forest Service by James Dykmann, Compliance Archeologist, of State of Utah, and based on Energy West's minimal surface impact of the project. An agreement is outlined in the Project file regarding Section 106 Compliance with the State Historic Preservation Office. It was determined that there is extremely low potential for cultural artifacts based on past cultural surveys in this area and the rugged steep slopes of the area. Consultation with Native American Groups has disclosed no religious or cultural sites.

#### **IV. PUBLIC INVOLVEMENT**

Public scoping consisted of telephoning five interested parties. The individuals, groups, and agencies contacted were: George Tetreault, Bureau of Land Management; Val Payne, Emery County Public Lands Director; Chris Colt, Utah Division of Wildlife Resources, SE Region; Jay Mark Humphrey, Emery Water Conservancy; and Varden Wilson, Huntington-Cleveland Irrigation Company. No concerns were voiced by any of these individuals.

**Relationship to Public Involvement:**

Public comments were sought by telephone contact and by legal notices in the Sun Advocate and Emery County Newspapers (September 4, 2001). All comments were considered throughout the planning process for this project.

After hearing a description of the project activities, no written concerns were voiced.

Refer to project file for PacifiCorp's 2001 Helicopter Drilling.

**V. FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS**

To the best of my knowledge, the decision complies with all applicable laws and regulations. Below is the association of the decision to some pertinent legal requirements as summarized:

National Forest Management Act of 1976: The Forest Plan was approved November 5, 1986, as required by this Act. This long-range land and resource management plan provides guidance for all resource management activities in the Forest. The National Forest Management Act requires all projects and activities to be consistent with the Forest Plan. The Forest Plan has been reviewed in consideration of this project. The decision will be consistent with the Forest Plan.

Surface Mining Control and Reclamation Act of 1977 (SMCRA): This act give the Department of the Interior, Office of Surface Mining (OSM), primary responsibility to administer programs that regulate surface coal mining operations and the surface effects of underground coal mining operations. Pursuant to sections 503 and 523 of SMCRA, under the oversight of the OSM, the Utah Division of Oil, Gas and Mining regulates surface coal mining and the surface effects of underground coal mining on Federal and non-Federal lands within the State of Utah. On National Forest System Lands, consent must be obtained from the Forest Service, as the surface management agency, prior to approval of mining activities, including exploration drilling. Approval of this decision document constitutes my consent.

Federal Land Planning and Management Act. This decision is consistent with FLPMA.

National Historic Preservation Act: The proposal would not result in any impacts to cultural or historic resources. (Project on file).

Endangered Species Act: The Biological Assessment/Biological Evaluation has disclosed that this project will not result in impacts to threatened, endangered, or sensitive animal or plant species.

National Environmental Policy Act: The entirety of documentation for this project supports that the project analysis complies with this Act.

**VI. IMPLEMENTATION DATE AND APPEAL OPPORTUNITY**

Implementation of the decision may occur immediately upon my signature of this document.

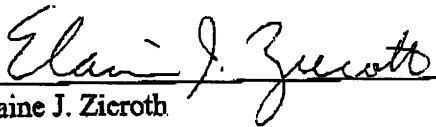
This decision is not subject to appeal pursuant to 36 CFR 215.

This decision is subject to appeal pursuant to 35 CFR 251.82. Notice of appeal must be postmarked or received by the Appeal Reviewing Officer within 45 days of the date of this decision. A notice of appeal, including the reasons for appeal, must be filed with the Regional Forester, Intermountain Region, Federal Building, 324 25<sup>th</sup> Street, Ogden, Utah, 84401. A copy of the notices must be filed simultaneously with the Forest Supervisor, Manti-La Sal National Forest, 599 West Price River Drive, Price Utah, 84501. Appeals must meet the content requirements of 36 CFR 251.90.

#### VII. CONTACT PERSON

For additional information concerning the Forest Service decision, please contact Carter Reed at the USDA Forest Service, Manti-La Sal National Forest (599 West Price River Drive, Price, UT 84501; telephone: (435) 637-2817).

#### VIII. SIGNATURE AND DATE

  
Elaine J. Zieroth  
Forest Supervisor  
Manti-La Sal National Forest

  
Date

Cc: Mary Ann Wright, UDOGUM  
Tom Faddies, School and Intuitional and Trust Lands Administration  
Chuck Semborski, PacifiCorp